

OFFICE OF BUSINESS LIAISON

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Employer Information Bulletin 21 Premium Processing Service and Expedite Processing March 15, 2005	EBISS: (800) 357-2099 NCSC: (800) 375-5283 TDD: (800) 767-1833 Fax: (202) 272-1864 Order Forms: (800) 870-3676 Website: www.uscis.gov
---	---

**The following is not intended to be legal advice pertaining to your situation and should not be construed as such.
The information provided is intended merely as a general overview with regard to the subject matter.**

PREMIUM PROCESSING SERVICE AND EXPEDITE PROCESSING

PREMIUM PROCESSING SERVICE

Premium Processing Service ("Premium Processing") allows employers to expedite the adjudication process of certain designated employment-based petitions and applications. The U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) designates by Notice in the Federal Register which petitions and applications are eligible for Premium Processing. For the \$1000 fee which cannot be waived, Premium Processing provides a 15-calendar day processing of petitions and applications. In the event, USCIS fails to issue an approval notice, a notice of intent to deny, a request for evidence, or a notice of investigation for fraud or misrepresentation within the 15-calendar days, USCIS will refund the \$1000 fee and the case will continue to be processed as part of Premium Processing.

Premium Processing will not provide an unfair advantage to those that can pay the \$1000 fee. The USCIS Service Centers will process Premium Processing cases in receipt order. In addition, Premium Processing is subject to congressionally-mandated numerical limitation which is also known as "cap." Therefore, cases which may ordinarily be filed via Premium Processing may no longer be filed with or without Premium Processing if the USCIS determines that it has a sufficient number of petitions to reach the mandated cap. USCIS will publish a Notice in the *Federal Register*, and a press release on the USCIS website, www.uscis.gov, notifying the public that it reached the cap and that it will not accept any more petitions for a particular nonimmigrant classification for that fiscal year unless the petitions are exempt from the cap.

Currently, USCIS has designated Form I-129, Petition for Temporary Nonimmigrant Worker, for Premium Processing. In particular, the following nonimmigrant classifications may file for Premium Processing:

E – Traders and Investors
H – Temporary Employees
L – Intracompany Transferees
O – Aliens of Extraordinary Ability
P – Artists, Athletes and Entertainers
R – Religious Workers
Q – International Cultural Exchange Visitor
TN – NAFTA Professionals

HOW DO I FILE A REQUEST FOR PREMIUM PROCESSING?

Form I-907, Request for Premium Processing Service, must be completed and signed by either the employer, attorney, or accredited representative which may be downloaded at the USCIS website, USCIS forms line at 1-800-870-3676, or from the USCIS National Customer Service Center at 1-800-375-5283. A separate check, money order for the \$1,000 fee is necessary which may be written by either the employer, worker, attorney or accredited representative. In the event, Forms I-129 and I-907 are filed electronically, the \$1000 fee should be included with the other standard filing fees. Form I-907 should be submitted to the USCIS Service Center where a current Form I-

I-129 is pending or it should be filed along with Form I-129 at the USCIS Service Center that has proper jurisdiction. It is important to note that Form I-907 provides unique USCIS Service Center mailing and courier delivery addresses for Premium Processing cases. In addition, Form I-907 provides unique USCIS Service Center telephone numbers and e-mail addresses. In the event you need to contact the Premium Processing unit please include the Premium Processing case number on the Subject line of the email for ease in referencing the proper case.

As a courtesy, USCIS is currently expediting Form I-539, Application to Extend/Change Nonimmigrant Status for dependents who are filing concurrently with a spouse or parent who is requesting Premium Processing. It is important to note that USCIS will not guarantee the fifteen calendar-day processing time for the dependents and it will not refund the \$1000 fee if the concurrently filed Form I-539 is not adjudicated within the fifteen calendar-days.

Finally, standard expedited processing is no longer available to employers who are eligible for Premium Processing unless it is an employer that is designated as a not-for-profit entity by the US Internal Revenue Service.

EXPEDITE PROCESSING

Not-for-profit employers must submit a letter, where the current Form I-129 is pending or it should be submitted along with Form I-129 at the USCIS Service Center with proper jurisdiction. The letter may be mailed or faxed to the appropriate USCIS Service Center using the expedite processing mailing address or fax number for the particular USCIS Service Center. The mailing address and/or the fax number for the expedite processing may be located on the USCIS website. The letter should state the reasons for the request for expedite processing and provide supporting documentation which shows any of the following information. After submitting the letter, the USCIS Service Center will adjudicate the case in approximately one week provided that the Service Center does not have to obtain additional documentation. If the Service Center denies the expedited request, it will send a notice of the decision to deny the expedite request to the not-for-profit employer.

1. Severe financial loss to company or individual
2. Extreme emergent situation
3. Humanitarian situation
4. Nonprofit status or requesting organization in furtherance of the cultural and social interests of the United States
5. Department of Defense or National Interest situation providing that request is submitted by US Government agency and states that delay will be detrimental to the Government of the United States
6. USCIS error
7. Compelling interest of USCIS